

II. Remarks

In paragraph 2 of the Office Action, claims 1-55 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious in view of Wallman (US Patent No. 6,601,044).

In response, the rejection is respectfully traversed. The cited art does not teach or suggest the claimed customizable investment fund required in each of Applicant's claims.

The rejection relies upon Wallman, but as per the title of this patent, Wallman is directed to a portfolio. (See also "creating a portfolio," e.g., Wallman's abstract.) A portfolio is not a fund, as recognized by the Board of Appeals Decision in the instant patent application:

We agree with appellants that a customizable investment fund must be interpreted in the manner understood by those skilled in the art. The artisans would understand that such a fund is not met by an individual investor's portfolio.

Decision at pp 6-7. Therefore, the art relied upon in the rejection is drawn to the wrong financial product and does not teach or suggest the claimed customizable investment fund.

The Examiner's attention is also drawn to Wallman, Col. 2, lines 19-20, where Wallman states: "It is also not possible for the investor to control what specific securities a fund will hold in its portfolio", which is directly contrary to Applicant's claimed each of a plurality of individual investors customizes a set of investments and all sets are held within the fund in claim 54 and in claim 1, specifying a first custom set of investments for a first investor to be held within a customizable investment fund. Therefore, Wallman is evidence of unobviousness.

It is respectfully submitted that prima facie obviousness has not been shown based on Wallman because it is drawn to the wrong financial product and because it explicitly teaches that Applicant's claimed invention is "not possible."

Applicant claims small entity status. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges

to Deposit Account No. 50-0235.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,



Date: December 20, 2007

Peter K. Trzyna
(Reg. No. 32,601)

P.O. Box 7131
Chicago, IL 60680-7131
(312) 240-0824